Appeal: 15-1321 Doc: 12 Filed: 04/22/2015 Pg: 1 of 4

## IN THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

CONSOL BUCHANAN MINING	
COMPANY, LLC,	
Petitioner	

v. : No. 15-1321

FEDERAL MINE SAFETY AND HEALTH
REVIEW COMMISSION, and
SECRETARY OF LABOR, MSHA

Respondent

## CERTIFIED INDEX TO MATERIALS COMPRISING THE ADMINISTRATIVE RECORD FILED PURSUANT TO RULE 17(b) OF THE FEDERAL RULES OF APPELLATE PROCEDURE

Petition of the Secretary of Labor for Assessment of Civil Penalty in VA 2013-190, filed by the Secretary of Labor (the Secretary) with Federal Mine Safety and Health Review Commission (FMSHRC), dated March 7, 2013	-24
Answer to the Secretary of Labor for Assessment of Civil Penalty in VA 2013-190, filed by CONSOL Buchanan Mining Company LLC (CONSOL) with FMSHRC, dated March 7, 2013	5-27
Order of Assignment and Pre-Hearing Order in VA 2013-190, assigned to the Administrative Law Judge (ALJ), dated March 27, 2013	3-30
Motion to Substitute Party in VA 2013-190, filed by CONSOL with FMSHRC, dated February 10, 2014	-32
Order Granting Respondent's Motion to Substitute Party in VA 2013-190, issued by the ALJ, dated February 25, 2014	3-34
Notice of Hearing in VA 2013-190, issued by the ALJ, dated June 5, 201435	5-36
Respondent's Pre-Hearing Report in VA 2013-190, filed by CONSOL with FMSHRC, dated June 26, 2014	7-43

The Secretary of Labor's Prehearing Report in VA 2013-190, filed by the Secretary with FMSHRC, dated June 25, 2014	44-51
Notice of Hearing and Site in VA 2013-190, issued by FMSHRC, dated July 1, 2014	52-53
Stipulations in VA 2013-190, filed by the Secretary and CONSOL with FMSHRC, dated July 9, 2014	54-56
Transcript of Hearing, held July 15, 2014	57-626
<u>Joint Exhibit 1</u> : A new 1½ inch fire hose valve obtained from the manufacturer that can disassembled for demonstrative purposes.	be
<u>Joint Exhibit 2</u> : A new 1½ inch fire hose valve obtained from the manufacturer witailpiece sealed to the valve body as shipped by the manufacturer to customers, to for demonstrative purposes.	
Secretary's Exhibits  1: MSHA Accident Report	653-662 663-670 671-675 676-679 n680 e)681 682 ed683 on).684
11: Photograph of 6" shutoff valve with leverage bar	685 686-687 688-696 697-708 709-715 716-718 719-720 722-748
of Milwaukee Valve	757-760 761-832 833-854

Respondent's Exhibits	
R1: Copy of Citation No. 8190902	861-862
R2: Copy of Citation No. 8190903	864-866
R3: CONSOL Energy's relevant Safe Work Instructions	
R4: Copies of Training records for Joe Saunders	
R5: Copies of Manufacturer's information from Milwaukee Valve	
R6: Copies of Manufacturer's information from Victaulic Valve Company	
R7: Copies of e-mails received by Derrick Gonderman from Milwaukee	
Valve Company	931
R8: Copy of the Virginia Department of Mines Minerals and	,
Investigation Report	032_001
R9: Copy of Mine's Accident Report with Drawing and Photos	
R10: Copy of the mine's Fire Protection Map	
R11: Copies of William (David) Green's Training Records	
R12: Copies of Greg Addington's Training Records	
R13: Photo taken underground at the mine labeled "#1"	
R14: Photo taken underground at the mine labeled "#2"	
R15: Photo taken underground at the mine labeled "#3"	
R16: Photo taken underground at the mine labeled "#4"	
R17: Photo taken underground at the mine labeled "#5"	1097
R18: Photo taken underground at the mine labeled "#6"	
R19: Photo taken underground at the mine labeled "#7"	
R20: Photo taken underground at the mine labeled "#8"	
R21: Photo taken underground at the mine labeled "#9"	
R22: Photo taken underground at the mine labeled "#10"	
R23: Photo taken underground at the mine labeled "#11"	1103
R24: Photo taken underground at the mine labeled "#12"	1104
R25: Photo taken underground at the mine labeled "#13"	1105
R26: Photo taken underground at the mine	1106
R27: Photo taken underground at the mine	1107
R28: Photo taken underground at the mine labeled "#16"	1108
R29: Photo taken underground at the mine labeled "#17"	1109
R30: Photo taken underground at the mine labeled "#18"	
R31: Photo taken underground at the mine labeled "#19"	
R32: Photo taken underground at the mine labeled "#20"	
R33: Photo taken underground at the mine labeled "#21"	
R34: Photo taken underground at the mine labeled "#22"	
R35: Photo taken underground at the mine labeled "#23"	
R36: Photo taken underground at the mine labeled "#24"	
R37: Photo taken underground at the mine labeled "#27"	
R38: Photo taken underground at the mine labeled "#28"	1118
R39: Photo taken underground at the mine labeled "#29"	1119
R40: Photo taken underground at the mine labeled "#30"	
R41: Photo taken underground at the mine labeled "#31"	1120
R42: Photo taken underground at the mine labeled "#31"	
R43: Photo taken underground at the mine labeled "#32"	
177. I HOLU LANCH UHUCI ZI UUHU AL HIG HIHIG HAUGIGU #33	1 1 23

Appeal: 15-1321 Doc: 12 Filed: 04/22/2015 Pg: 4 of 4

R44: Photo taken underground at the mine labeled "#34"	1124
R45: Photo taken underground at the mine labeled "#35"	1125
R46: Photo taken underground at the mine	1126
R47:	
R48: Video taken at the mine regarding the valves ordered by the mine.	
Transcript of Hearing, held July 16, 2014	1128-1439
Order Setting Briefing Deadline in VA 2013-190, issued by the ALJ, dated	
August 12, 2014	1440-1441
The Secretary of Labor's Post-Hearing Brief in VA 2013-190, filed by the Secretary with EMSLIPC, detail Sentember 20, 2014	•
with FMSHRC, dated September 29, 2014	1442-14/3
Post Hearing Brief in VA 2013-190, filed by CONSOL with FMSHRC, dated	
September 29, 2014	1476-1495
Decision and Order in VA 2013-190 issued by the ALJ, dated January 23, 2015	1496-1533
Petition for Discretionary Review in VA 2013-190, filed by CONSOL with	1501 1551
FMSHRC, dated February 23, 2015	1534-1551
Notice Denying the Petition for Discretionary Review in VA 2013-190, issued by t	ha
Commission, dated March 4, 2015	
Commission, adda Maion 7, 2013	1334-1333

## **CERTIFICATE**

I, Pamela I Chisholm, Executive Assistant for the Federal Mine Safety and Health Review Commission, hereby certify that the foregoing is a true and correct Index to Materials Comprising the Administrative Record, of the captioned proceeding.

/s/ Pamela I. Chisholm Pamela I. Chisholm